THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 27557 of 1998

DATE: 11-09-2007

Between :

Turupu Bakkanna and 14 others.

… Petitioners

And

Revenue Divisional Officer,
Nizamabad and another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 27557 of 1998

ORDER:

The petitioners herein claim to be in possession and enjoyment of different extents of land situated in Sy.Nos.201, 300, 297,310,311,312,296 and 391/1 of Mamidipally village, Armoor Mandal, Nizamabad District having purchased the same in the year 1952 in an open auction conducted by the Government.

While so, a show cause notice dated 31-05-1997 was issued by the Revenue Divisional Officer, Nizamabad alleging that the petitioners were assignees and calling upon them to show cause as to why the assignments should not be cancelled on the ground that they have converted the assigned land for non-agricultural purpose in contravention of the conditions of D-Form patta. Thereafter, the order of cancellation dated 01-10-1997 was passed on the ground that the petitioners failed to submit any explanation.

The petitioners state that no show cause notice was ever served on them and as soon as they came to know about the order of cancellation dated 01-10-1997 they filed their objections and representation dated 28-11-1997 stating that they are owners of the land and the allegation that it is an assigned land is factually incorrect. However, their objections were rejected by the first respondent-Revenue Divisional Officer by memo No.09-01-1998. Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary and illegal.

Having heard the learned counsel for both the parties and having perused the counter affidavit filed on behalf of the respondents, it is clear that no show cause notices were served on the petitioners giving an opportunity to rebut the allegation that the land in question is assigned land. Hence, the impugned orders of cancellation, which were passed on an erroneous assumption that the petitioners have violated the conditions of assignment, being in violation of the

principles of natural justice are liable to be set aside on that ground alone.

Accordingly, the impugned order dated 01-10-1997 as well as the consequential order dated 09-01-1998 are hereby set aside and the writ petition is disposed of with a direction to the first respondent-Revenue Divisional Officer to pass appropriate orders in accordance with law afresh after giving an opportunity of hearing to the petitioners to put forth their version against the proposed action. No costs.

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G. ROHINI, J

Date:11-09-2007
KLP